

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

In Re: Generations on 1 st LLC, Debtor.	Case No.: 25-30002 Chapter 11
In Re: Parkside Place LLC, Debtor.	Case No.: 25-30003 Chapter 11
Generations on 1st, LLC, Parkside Place, LLC, and The Ruins, LLC, Plaintiffs, vs. Red River State Bank, Defendant and Third-Party Plaintiff, vs. Craig Development, LLC, Craig Properties, LLC, Jesse Craig, and Jordan Horner, Third-Party Defendants.	Adversary No.: 25-07009

**DEFENDANT'S RESPONSE TO MOTION TO DISMISS COUNTERCLAIM AND
STRIKE THIRD-PARTY CLAIM FILED BY GENERATIONS ON 1ST AND
PARKSIDE PLACE, LLC**

Red River State Bank (“RRSB”) filed its Defendant’s Answer and Counterclaim and Third-Party Complaint on December 10, 2025.¹ On January 6, 2026, Generations on 1st, LLC and Parkside Place, LLC (“Chapter 11 Debtors”) responded by their Motion to Dismiss Counterclaimn (sic) and Strike Third-Party Claim (the “Motion”).² No other party has responded to Defendant’s Answer and Counterclaim and Third-Party Complaint.

In response to the Motion, consistent with Rule 15(a)(1)(B) of the Federal Rules of Bankruptcy Procedure, RRSB has amended its Defendant’s Answer and Counterclaim and Third-Party Complaint by filing its Defendant’s First Amended Answer and Counterclaim.³ Accordingly, RRSB respectfully requests that this Court deny Chapter 11 Debtors’ Motion as moot.⁴

Dated this 27th day of January, 2026.

¹ See ECF No. 31.

² See generally ECF No. 36.

³ See generally ECF. No. 42; *cf.* Fed. R. Civ. P. 15(a)(1)(B) (allowing a party to amend a pleading as a matter of course within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier”); *cf. also* Fed. R. Bankr. P. 7015 (“Fed. R. Civ. P. 15 applies in an adversary proceeding.”).

⁴ See, e.g., *Gonzalez v. Jeld-Wen, Inc.*, Case No. 3:24-cv-01116-JO-VET, 2024 WL 3892939, at *1 (S.D. Cal. Aug. 21, 2024) (“When a party properly avails itself of the opportunity to amend its pleading in response to a Rule 12(b) motion, courts deny the pending motions to dismiss as moot.” (citation omitted)); see also *Cutts v. Berkeley Police Dep’t*, No. 4:24-cv-01102-AGF, 2024 WL 4227758, at *1 (E.D. Mo. Sept. 18, 2024) (“In light of Plaintiff’s amended complaint (ECF No. 13), filed under Rule 15(a)(1)(B), Defendants’ motion to dismiss (ECF. No. 6) will be denied as moot.” (citations omitted)).

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